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CENTRAL FAX CENTER****DEC 26 2006**Boston Brussels Chicago Düsseldorf London Los Angeles Miami Milan  
Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C.**FACSIMILE****Date:** December 26, 2006**Time Sent:**

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<b>To:</b>	<b>Company:</b>	<b>Facsimile No:</b>	<b>Telephone No:</b>
Mail Stop Missing Parts	Commissioner of Patents	1.571.273.8300	1.571.272.1757

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<b>From:</b>	Toby H. Kusmer	<b>Direct Phone:</b>	617.535.4065
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<b>E-Mail:</b>	tkusmer@mwe.com
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<b>Sent By:</b>	Cynthia Joseph	<b>Direct Phone:</b>	617.535.4111
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<b>Client/Matter/Tkpr:</b>	38484-160/5496	<b>Original to Follow by Mail:</b>	No
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<b>Number of Pages, Including Cover:</b>	
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**Re:** In re Application of: David A. Brock, et al.

Serial No.: 10/556,097

Filing Date: June 3, 2004

Title: Automatic Identification Of Reagent Test Strips Using Reflectance Values

Docket No.: 38484-160 (BYRK-3)

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**Message:**

Please enter the following Response to Notice of Missing Parts of October 23, 2006.

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**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL AS SOON AS POSSIBLE.**

Main Facsimile: 617.535.3800 Facsimile Operator: 617.535.4000

U.S. practice conducted through McDermott Will & Emery LLP.  
28 State Street Boston, Massachusetts 02109-1775 Telephone: 617.535.4000

DCTM 1577157 1 010/001 01/00

PAGE 1/10 \* RCVD AT 12/26/2006 1:29:46 PM [Eastern Standard Time] \* SVR:USPTO-EFXXRF-5/18 \* DNIS:2738300 \* CSID:1 617 535 3800 \* DURATION (mm-ss):01-28

DEC 26 2006

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)**Docket No.  
38484-160 (BYRK-3)In Re Application Of: **David A. Brock, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/556,097	June 3, 2004		23630		4662



Invention: **AUTOMATIC IDENTIFICATION OF REAGENT TEST STRIPS USING REFLECTANCE VALUES**Mail Stop Missing PartsCOMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
October 23, 2006  
*Date*

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☒ A properly signed oath or declaration in compliance with 37 CFR 1.63.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☐ Other (list):

DEC 26 2006

<b>Response To Notice To File Missing Parts Of Application Filing Date Granted (PTO-1533) (Large Entity)</b>					Docket No. 38484-160 (BYRK-3)	
In Re Application Of: <span style="float: right;">David A. Brock, et al.</span>						
Application No. 10/556,097	Filing Date June 3, 2004	Examiner	Customer No. 23630	Group Art Unit	Confirmation No. 4662	
Invention: <b>AUTOMATIC IDENTIFICATION OF REAGENT TEST STRIPS USING REFLECTANCE VALUES</b>						
<u>TO THE COMMISSIONER FOR PATENTS:</u> <u>Mail Stop Missing Parts</u>						
<p>The fee of <b>\$130.00</b> is to be paid as follows:</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <b>501133</b></p> <p><input checked="" type="checkbox"/> If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. <b>501133</b></p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>						
 Signature			Dated: <b>12-26-06</b>			
<b>Toby H. Kusmer, P.C.</b> <b>Reg. No. 26,418</b> <b>McDermott Will &amp; Emery LLP</b> <b>28 State Street</b> <b>Boston, MA 02109</b> <b>Telephone: 617-535-4065</b> <b>Facsimile: 617-535-3800</b> <b>e-mail: tkusmer@mwe.com</b>			<div style="border: 1px solid black; padding: 5px;"> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</p> <p style="text-align: center;">December 26, 2006 (Date) <span style="float: right;"><i>or by facsimile</i></span></p> <p style="text-align: center;"> Signature of Person Mailing Correspondence</p> <p style="text-align: center;">Cynthia Joseph Typed or Printed Name of Person Mailing Correspondence</p> </div>			
CC:						

DEC 26 2006

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)**Docket No.  
38484-160 (BYRK-3)

In Re Application Of:

David A. Brock, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/556,097	June 3, 2004		23630		4662

Invention: **AUTOMATIC IDENTIFICATION OF REAGENT TEST STRIPS USING REFLECTANCE VALUES****TO THE COMMISSIONER FOR PATENTS:****Mail Stop Missing Parts**☒ Completion of application fees as calculated below:☐ Utility application basic fee☐ Design application basic fee☐ Search Fee☐ Examination Fee☐ Total number of independent claims =☐ Total number of claims =☐ Multiple dependent claims☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath \$130.00☐ Petition and fee for filing by other than all the inventors or a person not the inventor☐ Fee for processing an application filed with a non-English language specification☐ Fee for processing and retention of application

01/03/2007 LLANDGRA 00000035 501133 10556097

Total completion of application fees \$130.00

01 FC:1617 130.00 DA

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month☐ Two months☐ Three months☐ Four months☐ Five months

from:

Date

until:

Date

Total time extension fees

Total fees due \$130.00

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UNITED STATES PATENT AND TRADEMARK OFFICE

MW &amp; E

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/556,097	David A. Brock	38484-160 (BYRK-003)

INTERNATIONAL APPLICATION NO.
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PCT/US04/17339

I.A. FILING DATE	PRIORITY DATE
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06/03/2004

06/03/2003

023630

MCDERMOTT WILL & EMERY LLP  
ATTN: INTELLECTUAL PROPERTY DEPARTMENT  
28 STATE STREET  
BOSTON, MA 02109

CONFIRMATION NO. 4662

371 FORMALITIES LETTER



\*OC000000020924878\*

Date Mailed: 10/23/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 11/09/2005
- Copy of the International Search Report filed on 11/09/2005
- Copy of IPE Report filed on 11/09/2005
- Request for Immediate Examination filed on 11/09/2005
- U.S. Basic National Fees filed on 11/09/2005
- Priority Documents filed on 11/09/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

McDermott Will &amp; Emery LLP

Re: BYRK-3

Action Date: 12/23/06

Action By: Miss. FAKTS

Docketed By: For

Date: 12/26/06

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DEC 26 2006

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/556,097	PCT/US04/17339	38484-160 (BYRK-003)

FORM PCT/DO/EO/905 (371 Formalities Notice)

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